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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE USA, INC., a Colorado corporation,
and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

ORACLE SURVEILLANCE SYSTEMS,
LTD., a Maryland corporation,

Defendant.

Case No. C-04-5145 CRB

**STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUANCE OF SUMMARY
JUDGMENT MOTION RE PRIORITY OF
USE AND REFERRAL TO MAGISTRATE
JUDGE FOR SETTLEMENT
CONFERENCE**

The parties stipulate to the following adjustments to the briefing and hearing schedule relating to anticipated motions for summary judgment related to priority of trademark use. The parties request the postponement because they have not completed their early ADR session and wish to do so, in the hope it will be productive, before completion of discovery that defendant/counterclaimant wants to take relating to the anticipated motion.

| <u>Current Date</u> | <u>Proposed Date</u> |
|-------------------------------------|----------------------|
| August 19, 2005 - motion due | October 7, 2005 |
| September 16, 2005 - opposition due | November 4, 2005 |
| September 23, 2005 - reply due | November 18, 2005 |
| October 7, 2005 - hearing | December 2, 2005 |

This schedule is proposed as one alternative that would accommodate the parties' objectives. Should the Court prefer a different schedule, the parties are of course amenable, but respectfully ask that the Court select a hearing date that does not conflict with the schedule of the lawyers who expect to appear. At present, there are no conflicts on Fridays within two weeks either side of December 2, noting that the Court is closed on November 25, 2005.

In addition, the parties selected a settlement conference before a Magistrate Judge as their preferred ADR option and stipulate to an order referring them to such a conference.

DATED: August 9, 2005 TOWNSEND AND TOWNSEND AND CREW LLP

By: /s/Gregory S. Gilchrist

Gregory S. Gilchrist
Attorneys for Plaintiffs
ORACLE USA, INC. and ORACLE
INTERNATIONAL CORPORATION

DATED: August 9, 2005 KATTEN MUCHIN ROSENMAN LLP

By: /s/Michael F. Sarney

Michael F. Sarney
Attorneys for Defendant
ORACLE SURVEILLANCE SYSTEMS, LTD.

PROPOSED ORDER

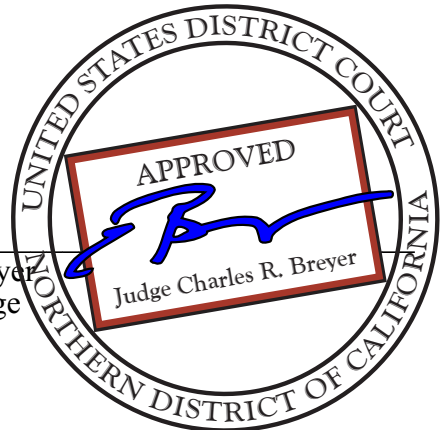
Good cause appearing, it is ordered that the schedule for the parties' summary judgment motions related to priority of trademark use shall be adjusted as follows:

| <u>Current Date</u> | <u>New Date</u> |
|-------------------------------------|-------------------|
| August 19, 2005 - motion due | October 7 , 2005 |
| September 16, 2005 - opposition due | November 4, 2005 |
| September 23, 2005 - reply due | November 18, 2005 |
| October 7, 2005 - hearing | December 2, 2005 |

The parties are referred to a settlement conference before a Magistrate Judge, to be scheduled as soon practicable by the ADR department for completion of the parties' obligations under the early ADR Program.

Dated: August 15, 2005.

Honorable Charles R. Breyer
United States District Judge



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